

2001 DRAFTING REQUEST

Senate Amendment (SA-SB55)

Received: 05/29/2001

Received By: nelsorp1

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Onsager

This file may be shown to any legislator: NO

Drafter: nelsorp1

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Subject: Courts - immunity liabty

Extra Copies:

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Pre Topic:

LFB:.....Onsager -

Topic:

Allow court, as part of a harassment restraining order or injunction, to issue an order requiring the harasser to avoid the place where the victim resides

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 05/29/2001	wjackson 05/31/2001	rschluet 05/31/2001	_____	lrb_docadmin 05/31/2001		
/2	nelsorp1 06/07/2001	wjackson 06/07/2001	pgreensl 06/07/2001	_____	lrb_docadmin 06/07/2001		

06/07/2001 05:50:58 PM

Page 2

LRBb0458

FE Sent For:

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05/31/2001 01:35:20 PM

Page 1

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6/7 Debbie Salo

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12 WJ 6/7

6/7

P8

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05/29/2001 10:36:33 AM

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
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/1	nelsorp1	1 WJ 5/31	 5-31-1	 5-31-1			

FE Sent For:

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 5/23/01

DELIVER TO: Bob Nelson

Addressee Fax #: 4-6948 Addressee Phone #: _____

of Pages, Including Cover: 4 Sender's Initials: PO

From: Paul Onsager

Message: Justice drafting requests

Senator Moore

JUSTICE

Amend Statute on Harassment Restraining Orders and Injunctions

Motion:

Move to amend current law on harassment restraining orders and injunctions to provide that a judge or court commissioner may issue a temporary restraining order or grant an injunction ordering the harasser to avoid the victim's residence, or any premises temporarily occupied by the victim, or both. If the victim and the harasser are not married, the harasser owns the premises where the victim resides and the victim has no legal interest in the premises, in lieu of ordering the harasser to avoid the victim's residence, provide that the judge or court commissioner could order the harasser to avoid the premises for a reasonable time until the victim relocates and would order the harasser to avoid the new residence for the duration of the order.

Note:

The motion would amend the statute on harassment restraining orders and injunctions to provide judges and court commissioners the same authority to order a harasser to avoid the victim's residence, or any premises temporarily occupied by the victim, or both, that judges and court commissioners currently have under the domestic abuse restraining order and injunction statute.

Moore
Burke

15-1

MO#		
Burke	<input checked="" type="checkbox"/>	N
Decker	<input checked="" type="checkbox"/>	N
Moore	<input checked="" type="checkbox"/>	N
Shibilski	<input checked="" type="checkbox"/>	N
Plache	<input checked="" type="checkbox"/>	N
Wirch	<input checked="" type="checkbox"/>	N
Darling	<input checked="" type="checkbox"/>	N
Welch	Y <input checked="" type="checkbox"/>	N
Gard	<input checked="" type="checkbox"/>	N
Kaufert	<input checked="" type="checkbox"/>	N
Albers	<input checked="" type="checkbox"/>	N
Duff	<input checked="" type="checkbox"/>	N
Ward	<input checked="" type="checkbox"/>	N
Huebsch	<input checked="" type="checkbox"/>	N
Huber	<input checked="" type="checkbox"/>	N
Coggs	<input checked="" type="checkbox"/>	N

Motion #727



5004 (5/29/)
State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0458/1

RPN:/:....

Wlj

LPS: Please
fix request sheet

LFB:.....Onsager – Allow court, as part of a harassment restraining order or injunction, to issue an order requiring the harasser to avoid the place where the victim resides^e

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 1. Page 1653, line 13: after that line insert:

3 SECTION 3830d. 813.125 (3) (a) (intro.) of the statutes is amended to read:

4 813.125 (3) (a) (intro.) A judge or court commissioner may issue a temporary
5 restraining order ordering the respondent to cease or avoid the harassment of
6 another person, to avoid the petitioner's residence, except as provided in par^o(am).
7 or any premises temporarily occupied by the petitioner or both, or any combination
8 of these remedies requested in the petition, if all of the following occur:

History: 1983 a. 336; 1991 a. 39, 194; 1995 a. 71, 306.

9 SECTION 3830f. 813.125 (3) (am) of the statutes is created to read:

1 813.125 (3) (am) If the petitioner and the respondent are not married,^{and} the
2 respondent owns the premises where the petitioner resides^{and} and the petitioner has
3 no legal interest in the premises, in lieu of ordering the respondent to avoid the
4 petitioner's residence under par. (a) the judge or family court commissioner may
5 order the respondent to avoid the premises for a reasonable time until the petitioner
6 relocates and shall order the respondent to avoid the new residence for the duration
7 of the order.

8 SECTION 3830h. 813.125 (4) (a) (intro.)[↓] of the statutes is amended to read:

9 813.125 (4) (a) (intro.) A judge or court commissioner may grant an injunction
10 ordering the respondent to cease or avoid the harassment of another person, to avoid
11 the petitioner's residence, except as provided in par.^o (am), or any premises
12 temporarily occupied by the petitioner or both, or any combination of these remedies
13 requested in the petition, if all of the following occur:

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19 petitioner's residence under par. (a) the judge or family court commissioner may
20 order the respondent to avoid the premises for a reasonable time until the petitioner
21 relocates and shall order the respondent to avoid the new residence for the duration
22 of the order.”.

2. Page 1795, line 13: after that line insert:

1 “(5m) HARASSMENT ORDERS. The treatment of sections 813.125 (3) (a) (intro.) and
2 (am) and (4) (a) (intro.) and (am) of the statutes first applies to petitions filed on the
3 effective date of this subsection.”.

(END)



2001 (6/7)
State of Wisconsin
2001 - 2002 LEGISLATURE

2
LRBb04584
RPN:wlj:rs

LFB:.....Onsager – Allow court, as part of a harassment restraining order or injunction, to issue an order requiring the harasser to avoid the place where the victim resides

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4 (END)

LFB:.....Onsager – Allow court, as part of a harassment restraining order or injunction, to issue an order requiring the harasser to avoid the place where the victim resides

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4 **(END)**